

Remarks

This response is to the official action mailed in the above-referenced case on June 20, 2006, in which the claims remaining standing in the case, 1-29 and 34, stand rejected over Bogard, of record, in view of a new reference Bohacek et al., US 6411687, hereinafter Bohacek. These are new grounds of rejection in the case.

Applicant has carefully reviewed the reference Bogard again, the new reference Bohacek, and the Examiner's remarks and indications of reliance on parts of Bogard and Bohacek. The claims are not amended, as the applicant's position is that the new rejection does not meet the prima facie standard. All of the limitations of applicant's claims are not considered and accounted for.

The Examiner's rejection of claim 1 is stated as follows:

"Bogard fails to disclose analyzing the responses for both conduct patterns and mood states. However, Bohacek teaches characterized in that the behavioral adaptation engine monitors client responses during voice interaction, analyzes the responses for both conduct patterns and mood states, including caller stress, *and determines which of a set of optional dialog responses is to be played to the client as a result of the analysis of the client's response* (column 3, line 60 to column 4, line 29).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Bogard using the teaching of analyzing mood as taught by Bohacek. This modification of the invention enables the system to analyzing the responses for both conduct patterns and mood states *so that the system would route the call accordingly*.

The applicant has caused two portions of the Examiner's remarks to be italicized above, for reference. Firstly the Examiner's comment "*...and determines which of a set of optional dialog responses is to be played to the client as a result of the analysis of the client's response ...*", for which the Examiner relies on Bohacek, column 3, line 60, to

column 4, line 29, is simply incorrect. There is nothing at all in this portion of Bohacek, or in any other part of Bohacek, which determines which of a set of dialogue responses is to be played to a client as a result of the analysis a client's response. Bohacek is a call routing system, and the analysis of the client's response on Bohacek is used to determine which of a number of available agents might best serve the client, and the client's call is routed accordingly. There is no teaching in Bohacek for responding to the client in any fashion at all, much less selecting a response from a number of candidate responses.

Secondly, the Examiner states "...This modification of the invention enables the system to analyzing (sic) the responses for both conduct patterns and mood states *so that the system would route the call accordingly.*" Again the Examiner is mixing the content of the reference and the claim language. The applicant is not claiming routing a call, so the fact that Bohacek determines an allegedly best routing has no bearing at all on applicant's claim.

The rejection of claim 1 over Bogard in view of Bohacek therefore is not a prima facie rejection, and clearly fails, so claim 1 is clearly patentable over Bogard in view of Bohacek, and claims 2-15 depended directly or indirectly from claim 1 are patentable at least as depended from a patentable claim.

The Examiner rejects claim 16 under the same rationale as claim 1, so claim 16 has to be patentable over the art cited and applied as well, and claims 17-26 are patentable at least as depended from a patentable claim.

The Examiner's rejection of claim 27 is under the same rationale as the rejection of claims 1 and 16, and therefore fails by the same rationale, and claim 16 is patentable over the art cited and applied, and claims 28, 29 and 34 are patentable at least as depended from a patentable claim.

As all of the claims standing have been shown to be patentable over the art cited and applied, the applicant respectfully requests reconsideration, and that the case be passed quickly to issue.

If there are any extensions of time due beyond any extension requested and paid with this amendment, such extensions are hereby requested. If there are any fees due beyond any fees paid with the present amendment, such fees are authorized to be deducted from deposit account 50-0534.

Respectfully Submitted,
Leo Chiu

By /Donald R. Boys/
Donald R. Boys
Reg. No. 35,074

Central Coast Patent Agency
P.O. Box 187
Aromas, CA 95004
(831) 726-1457